IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RONALD MELTON, et al.	:	CASE NO. C-1-01-528
Plaintiffs	:	(Judge Spiegel)
vs.	:	
BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO, et al.	:	
	:	
Defendants		

PLAINTIFFS' REPLY MEMORANDUM IN SUPPORT OF MOTION TO CONSOLIDATE AND JOIN CLASS ACTION PROCEEDINGS

As the Court is aware, Plaintiffs have moved this Honorable Court to enter an order granting them leave to consolidate the instant action with the pending class action proceedings; to wit, *Willenbrook v. Hamilton County*, No. C-1-01-771, and *Chesher v. Neyer*, No. C-1-01-566, consolidated under *Chesher*, and permitting them to "opt into" the class defined therein. Although Defendants once argued to this Court that such a consolidation should be granted and filed a motion to accomplish such, they now argue that Plaintiffs' motion for consolidation should be denied. They raise the facts that since Plaintiffs had earlier argued against such a consolidation, they should not now be permitted to argue in favor of and in agreement with Defendants' earlier position that consolidation should be granted.

What is ignored is that Plaintiffs' earlier opposition to consolidation was prior to completion of their discovery. Their decision to file their motion is based in large part on the results of their discovery. The decision to consolidate or not prior to the completion of their discovery could not be logically made without having the benefit of the completed discovery. Once discovery was completed, it became abundantly clear that Plaintiffs' claims and their respective interests in fact align with those of the class certified by this Court in the companion case. Thus, the present motion was filed.

The judicial economy as well as the consolidation of resources on both the part of the Class Representatives, Plaintiffs, and Defendants support Plaintiffs' request in the present motion. Accordingly, Plaintiffs hereby respectfully request that their motion be granted, that an order be entered permitting them to "opt" into the pending class action proceedings, and that their action be consolidated with the pending class action proceedings; to wit, *Willenbrook v. Hamilton County*, No. C-1-01-771, and *Chesher v. Neyer*, No. C-1-01-566, consolidated under *Chesher*.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been served on opposing counsel by electronic service through the CM/ECF filing program at their respective e-mail addresses by this 26th day of March, 2004.

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